

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

United States of America

v.

Yohan A. Germosen

CRIMINAL NO.: 05-10120-NG

DEFENDANT'S MOTION TO MODIFY COURT ORDER

Pursuant to paragraph 10 of this Honorable Court's *Amended Procedural Order Re: Sentencing Hearing (In the light of U.S. v. Booker)*. Defendant Yohan A. Germosen ("Germosen") moves that this Court modify the following period of time in the *Amended Procedural Order RE: Sentencing Hearing (In the light of U.S. v. Booker)*. The period of time, as quoted from the relevant sections of the said Order, are as follows:

Hearing and Counsel's Obligation:

9. The Court is to hold a sentencing hearing to resolve any disputed issues.

a) Obligations of Counsel: Not less than five days before the sentencing hearing (or such other time as set by the court)

(1) Notice: Counsel are to advise the Court:

- a. Whether there are legal issues under United States v. Booker or under the Sentencing Guidelines which need to be resolved at sentencing, or
- b. Whether there are factual issues which the party contend require an evidentiary hearing.

- (2) **Memorandum**: Counsel submit a memorandum outlining the legal and factual issues in (1) above. Counsel are also urged to draft memoranda in the form of proposed findings of fact and conclusions of law relevant to the issues described above.
- (3) **Service on Probation**: A copy of the memorandum and any submissions addressing sentencing issues submitted by counsel must also be provided to the probation officer five days in advance of the sentencing hearing.

A sentencing hearing is currently scheduled for Wednesday, March 15, 2006. In the present circumstances, the deadline for filing a memorandum is Friday, March 10, 2006. Defendant Germosen respectfully requests that the *Order* be modified to allow him to file by no later than Monday, March 13, 2006.

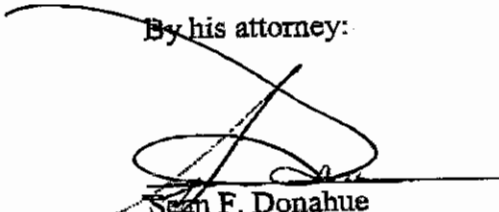
As grounds therefor, Defendant Germosen states that:

1. The computer system has not been functioning properly in his attorney's office;
2. A technician has been working on the system; and,
3. As a result of technological problems with the computer system, counsel for the defendant has not yet completed a sentencing memorandum in behalf of Defendant Germosen.

WHEREFORE, Defendant Yohan A. Germosen prays that the Court grant this Motion and modify the said Order, as requested herein.

FOR THE DEFENDANT,
YOHAN A. GERMOSEN

By his attorney:



Sean F. Donahue
John H. Molloy
Law Offices of John H. Molloy
385 Broadway, Suite 402
Revere, MA 02151

Certificate of Service

I hereby certify that on March 10, 2006, I served a copy of the foregoing Defendant's Motion To Modify Court Order upon the United States Attorney's Office by facsimile to Assistant United States Attorney Lisa M. Asiaf and Probation Department by facsimile to Probation Officer Denise A. Rivera.



Sean F. Donahue